

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MOHAMMED JAWARA,

NO. C09-917-RAJ-JPD

Petitioner,

V.

## REPORT AND RECOMMENDATION

A. NEIL CLARK, Field Office Director,  
U.S. Immigration and Customs  
Enforcement,

## Respondent.

On July 2, 2009, petitioner, proceeding pro se, filed a Petition for Writ of Habeas

Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest Detention Center in Tacoma, Washington.

Dkt. No. 6. Petitioner requests that this Court issue an order commanding his release from ICE custody, arguing that such custody violates his due process rights.<sup>1</sup> *Id.* at 1. On September 3, 2009, however, respondent filed a Return Memorandum and Cross-Motion to Dismiss along with documentation, indicating that petitioner was released under an Order of Supervision on September 2, 2009, and is no longer detained by ICE. Dkt. No. 13, Exs. Respondent asserts

<sup>1</sup> On August 21, 2009, petitioner filed a second Petition for Writ of Habeas Corpus in this case seeking the same relief, which was docketed as a Motion for Order Commanding his Release from Custody. Dkt. No. 12.

1 that because petitioner has been accorded all the relief sought in his habeas petition – release  
2 from ICE custody – his Petition for Writ of Habeas Corpus is now moot and should be  
3 dismissed. Dkt. No. 13.

4 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of  
5 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.  
6 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no  
7 longer detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as  
8 moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the  
9 District Court properly dismissed plaintiff’s claims that had become either moot or unripe).  
10 Accordingly, I recommend that this action be dismissed. A proposed Order accompanies this  
11 Report and Recommendation.

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13 DATED this 14th day of September, 2009.

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16 JAMES P. DONOHUE  
17 United States Magistrate Judge  
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